

ORDINANCE NO. 09-49

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A DUPLEX ON A SUBSTANDARD-SIZED LOT HAVING A FRONTAGE OF 50 FEET AND A TOTAL AREA OF 6,800 SQUARE FEET, MORE OR LESS, WHERE A MINIMUM FRONTAGE OF 75 FEET IS REQUIRED AND A TOTAL AREA OF AT LEAST 7,500 SQUARE FEET IS REQUIRED; ALLOW A LOT COVERAGE OF 39.6%, WHERE A MAXIMUM OF 30% IS ALLOWED, ALLOW A FRONT SETBACK OF 24.9 FEET, WHERE AT LEAST 25 FEET ARE REQUIRED, AND ALLOW AN EAST SIDE SETBACK OF 5 FEET, WHERE AT LEAST 7.5 FEET ARE REQUIRED, CONTRA TO HIALEAH CODE §§ 98-544, 98-545, 98-546, AND § 98-2056(b)(2). **PROPERTY LOCATED AT 480 SOUTHEAST 1 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of May 27, 2009 recommended approval of this ordinance; and

WHEREAS, the petitioner proffers that each unit shall only have two exterior doors and the improvements built without the benefit of a building permit shall be legalized within 180 days, to which the City accepts.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The foregoing facts and recitations contained in the preamble to this ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2: The below-described property is hereby granted a variance permit to allow a duplex on a substandard-sized lot having a frontage of 50 feet and a total area of 6,800 square feet, more or less, where a minimum frontage of 75 feet is required and a

total area of at least 7,500 square feet is required; to allow a lot coverage of 39.6%, where a maximum of 30% is allowed, to allow a front setback of 24.9 feet, where at least 25 feet are required, and to allow an east side setback of 5 feet, where at least 7.5 feet are required, contra to Hialeah Code §§ 98-544, 98-545, 98-546, and 98-2056(b)(2), which provide in pertinent part: “. . . The minimum building site in the R-2 one- and two-family residential district shall be one lot or parcel of land containing at least 7,500 square feet of area for each one-family or two-family residence. Such parcels or lots shall have an average width of at least 75 feet . . . ,” “. . . there shall be a front yard depth not less than 25 feet in distance from the front line . . . “ , “In the R-2 one- and two-family residential district, there shall be side yards, the width of each to be not less than ten percent of the average width of the lot, but in no case shall each such side yard be less than 7½ feet in width.”, and “A maximum of 30 percent of the net residential land area shall be covered with or occupied by the principal residential structure.” respectively. Property located at 480 East 1 Street, Hialeah, Miami-Dade County, Florida, zoned R-2 (One and Two-Family Residential District), and legally described as follows:

LOT 11, IN BLOCK 2, OF “EAST HI-A-LE-AH”,
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN
PLAT BOOK 8, PAGE 29, OF THE PUBLIC RECORDS OF
MIAMI-DADE COUNTY, FLORIDA.

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not

to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

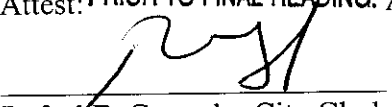
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 23rd day of June, 2009.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041


Carlos Hernandez
Council President

Attest: PRIOR TO FINAL READING. Approved on this 29 day of June, 2009.


Rafael E. Granado, City Clerk


Mayor Julio Robaina

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

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Ordinance was adopted by a 5-0 vote with Councilmembers Caragol, Casals-Muñoz, Cue, Hernandez, Yedra voting "Yes" and Councilmembers Garcia-Martinez and Gonzalez absent.